

Date: October 28, 2011

Case No: 5:11-cv-00547-BO

**Att: Court Clerk
United States Courthouse
201 South Evans St., Room 209
Greenville, NC 27858**

**Att: David. G. Schiller
Schiller & Schiller
5540 Munford Road, Suite 101
Raleigh, NC 27612**

FILED
NOV - 7 2011
DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
By J.A.A. DEP. CLK

Reference Case: 5:11-cv-00547-BO

Plaintiff: William Lee; Gennet Thompson, & Gertrude "Trudy" Morgan

Response, Personal Exclusion and Motion to Dismiss:

I Don Ricardo McCarthy hereby inform the court and plaintiffs attorney of a response, personal exclusion from this Class Action Lawsuit and Motion to Dismiss all accusations against me as follows:

I hereby deny having any knowledge of the Class Action Complaint indicated in the summons Case: 5:11-cv-00547-BO

Introduction

I was appointed to City Capital Board of Directors on September 12, 2006. I resigned effective June 01, 2010 from the Board of Directors. My many years in Diplomatic service and relationship with the governments of the Caribbean resulted in my role on City Capital's board to assist with the development of projects in the Caribbean. As a result, this limited my involvement in City Capital activities and board meetings.

My resignation letter of May 26, 2010 clearly indicated my frustration as a board member of not knowing the activities of the company and learning of such activities from outside sources, be that the press or other public means. My input was not sought out nor did I provide input or participated in any investment opportunities, acquisitions, opening or closure of offices or the hiring of staff.

In a limited capacity as a board member, I was not privy to or participated in the day to day operations of the company, neither did I directly or indirectly participate in or advised the company on interstate commerce, marketing, investments/

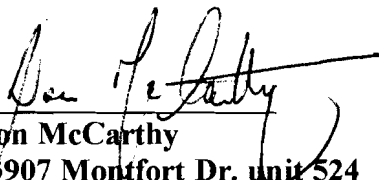
investors or acquisition of any institutions, companies or corporations or any form of illegal activity

Limited Involvement with City Capital

I have never visited the City Capital Offices, met the staff, participated or contributed to workshops or seminars as a board member.

- 1. I have never participated in a Ponzi scheme or any attempt to execute, solicit or craft any fraudulent investments on behalf of City Capital or any of its entities**
- 2. I have never heard of the plaintiffs prior to receiving the aforementioned summons and through a summons previously filed by Gennet Thompson. I have never met or communicated either by phone, email, mail, fax, text or any other electronic method with the plaintiffs**
- 3. I have never heard of or discussed any investment made by the plaintiffs with anyone who represented City Capital Corporation or any other institution**
- 4. I have never conducted business on behalf of City Capital Corporation in the state of North Carolina, Florida or Georgia, neither have I participated in any Unfair or Deceptive Trade Practices in those states.**
- 5. I have never met or participated in the appointment or approval of Wendy Connor to City Capital.**
- 6. I have never worked with Wendy Connor in any activities for or on behalf of City Capital , IEU, SWEEPVEND or any other institution**
- 7. I have never met or communicated with Jeffery SMUDA, ERX Energy LLC or Equity Trust Corporation**
- 8. I did not participate in or was involved in the marketing of Mr. Taylor, neither was I involved in any form of the creation of a public relations campaign to promote Mr. Taylor**
- 9. I have never worked with Mr. Brantley on any marketing initiatives for or with Mr. Taylor to promote Mr. Taylor or City Capital Corporation**

10. I did not participate in recommending, suggesting, creating, drafting or approving of any marketing material inclusive of press releases for Mr. Taylor or City Capital Corporation.
11. The limited financial information shared with me never reflected any illegal activity. I was never made aware on any investments made by the plaintiffs indicated in this summons
12. I never participated in the creation of, conspired to promote or market any IRAs, Real Estate investing, Oil and Gas investing or any other form of investing in collaboration with anyone at City Capital, its board, Equity Trust or any other institution
13. I have never participated in, collaborated with or was made aware of any wire fraud, stolen property, money laundering or any illegal activity in any state with any of the defendants on behalf of CITY CAPITAL, IEU, SWEEPSVEND or WEB3
14. At no time did City Capital informed my of any civil, legal or criminal action against the Corporation either before or while I was on their board



Don McCarthy
13907 Montfort Dr. unit 524
Dallas, TX 75240
917-545-2222
don.mccarthy@att.net